

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1064

S.P. 387

Received by the Secretary, March 8, 1991

Referred to the Committee on Banking and Insurance and 1400 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CONLEY of Cumberland
Cosponsored by Senator BUSTIN of Kennebec and Representative KETOVER of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**Resolution, Proposing an Amendment to the Constitution of Maine to
Ensure the Financial Integrity of Any Public Mutual Insurance Company
Established to Provide Workers' Compensation Insurance.**

Printed on recycled paper



2 Constitutional amendment. RESOLVED: Two thirds of each
branch of the Legislature concurring, that the following
amendment to the Constitution of Maine be proposed:

4
6 Constitution, Art. IX, §21 is enacted to read:

8 Section 21. Public mutual insurance company. All of the
9 assets and proceeds or income of any public mutual insurance
10 company established by the State to provide workers' compensation
11 insurance coverage to employers in this State, or any successor
12 company, and all premiums paid to the company and reserves or
13 surplus held by the company must be held, invested or disbursed
14 exclusively by the company and may not be encumbered for, or
15 diverted to, any other purpose.

16 ; and be it further

18 Constitutional referendum procedure; form of question; effective
date. Resolved: That the city aldermen, town selectmen and
20 plantation assessors of this State shall notify the inhabitants
of their respective cities, towns and plantations to meet, in the
22 manner prescribed by law for holding a statewide election, at a
statewide election, on the Tuesday following the first Monday of
24 November following the passage of this resolution, to vote upon
the ratification of the amendment proposed in this resolution by
26 voting upon the following question:

28 "Shall the Constitution of Maine be amended to prevent the
expenditure of the funds of a public mutual insurance
30 company created by the State to provide workers'
compensation insurance to employers in this State for any
32 purpose other than for the purposes of that public mutual
insurance company?"

34 The legal voters of each city, town and plantation shall
36 vote by ballot on this question, and shall designate their choice
by a cross or check mark placed within the corresponding square
38 below the word "Yes" or "No." The ballots shall be received,
sorted, counted and declared in open ward, town and plantation
40 meetings and returns made to the Secretary of State in the same
manner as votes for members of the Legislature. The Governor
42 shall review the returns and, if it appears that a majority of
the legal voters are in favor of the amendment, the Governor
44 shall proclaim that fact without delay and the amendment shall
become part of the Constitution on the date of the proclamation;
46 and be it further

48 Secretary of State shall prepare ballots. Resolved: That the
Secretary of State shall prepare and furnish to each city, town
50 and plantation all ballots, returns and copies of this resolution
necessary to carry out the purposes of this referendum.

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STATEMENT OF FACT

4 This resolution is submitted as a result of a study on the
6 feasibility of creating a state workers' compensation insurance
8 on Banking and Insurance. The resolution proposes a
10 constitutional amendment to prevent the State from seizing funds
belonging to the proposed Maine State Insurance Fund. The
amendment ensures that money held by the proposed Maine State
Insurance Fund is used solely for its proper purposes.